

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

CAPITOL AGGREGATES, INC., a Texas Corporation.	§ § §
<i>Plaintiff,</i>	§ § §
v.	§ CIVIL ACTION NO. 5:23-cv-00719-JKP
IPEC, INC., a Delaware Corporation,	§ § §
<i>Defendant.</i>	§

**AMENDED JOINT ADVISORY REPORT TO COURT**

Pursuant to the Court's May 8, 2025, and May 16, 2025 Orders, *see* Dkt. Nos. 37 and 39, the parties jointly file this amended advisory report.

1. The parties have agreed to continue mediation efforts and will be utilizing their chosen private mediator. The parties do not need to utilize the services of the Magistrate.
2. Based on the Court's availability, the parties have conferred and have agreed that the trial in this matter should take no less than three (3) business days, and propose one of the following June 2026 trial dates: June 9-11, June 16-18, and June 23-25.

Dated this 19<sup>th</sup> day of May, 2025.

**SMITH CURRIE OLES LLP**

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 \*signed with express permission

**CERTIFICATE OF SERVICE**

I hereby certify that on this 19<sup>th</sup> day of May, 2025, a true and correct copy of the foregoing AMENDED JOINT ADVISORY REPORT TO COURT was served on the following counsel of record in accordance with the Federal Rules of Civil Procedure:

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*/s/ Harry Z. Rippeon III*  
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